THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.2210 of 2006

–

Dated: February 23, 2006

–

–

Between:

V. Suryanarayana Rao, S/o. Jagannath Rao,

aged about 46 years, Occ: Jr. Assistant,

Sri Venkateshwara Swamy Templ,e

Kaman Bazar, Khammam.

… Petitioner

And

The Commissioner, Endowments Department,

Andhra Pradesh, Tilak Road, Hyderabad,

and others.

… Respondents

Order:

The petitioner, who is working as a Junior Assistant in
Sri Venkateshwara Swamy Temple, Peddypally Mandal, Karimnagar District, has filed this Writ Petition seeking direction by way of Writ of Mandamus to direct the first respondent/appellate authority to dispose of the appeal preferred by him, and further questions the order dated
21-11-2005 passed by the fourth respondent-Executive Officer, placing him under suspension pending enquiry.

2. It is the case of the petitioner that as much as the impugned proceedings have been issued pursuant to a resolution passed by the Trust Board, he preferred an appeal to the first respondent-Commissioner, but no decision is being taken by him. Further, it is submitted that though he was placed under suspension pending enquiry, by order proceedings dated 21-11-2005, no subsistence allowance is being paid.

3. As per the provision under Section 37 (3) (b) of the
A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 ('the Act' for brevity), against the orders passed by the Executive Officer, no appeal is provided to the Commissioner, Endowments.
As much as no appeal is contemplated and provided as per the applicable provisions, no direction can be given to the first respondent-Commissioner to dispose of the appeal said to have been filed by the petitioner. With regard to the validity of the order dated 21-11-2005, it is an order placing the petitioner under suspension pending enquiry and it is for the petitioner to submit explanation to the same. There are no grounds to judge the validity of the order dated 21-11-2005.

4. With regard to the payment of subsistence allowance, the learned Standing Counsel appearing for the respondents submits that the respondent authorities are prepared to pay the subsistence allowance to the petitioner, but the petitioner is not attending the temple after the impugned proceedings have been issued.

5. In that view of the matter, with a limited direction, this Writ Petition can be disposed of directing the respondents to proceed with the enquiry, pursuant to the proceedings dated 21-11-2005 and further, to pay the subsistence allowance to the petitioner as provided under the rules. Such allowance shall be paid from the date of passing the order of suspension pending enquiry, within a period of four weeks from today. It is open for the disciplinary authority to proceed with the enquiry on its own

merits, without, in any way, being influenced by any of the observations made in this Writ Petition.

6. Subject to the above directions, the Writ Petition is disposed of.

_____

JUSTICE R. SUBHASH REDDY.

February 23, 2006

N.B. **Furnish C.C. in three days**

B/o

MRR